

REMARKS

In the Office Action, the Examiner approved the drawing corrections submitted July 10, 2003. This is noted with appreciation, and formal drawings will be filed when the application is allowed.

Claim 3 was rejected under 35 USC §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter regarded as the invention. By this response, claim 3 has been amended to address the offending language noted by the Examiner, such that the claims are believed to fully comply with the requirements of 35 USC §112, second paragraph. The Examiner's careful review of the claims is noted with appreciation.

Claims 1-18 were rejected under 35 USC §102(b) as being anticipated by Anderson et al U.S. Statutory Invention Registration H1,819.

Claim 19 was objected to as being dependent upon a rejected base claim, with an indication that the claim would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

By this response, claim 19 has been amended to independent form, incorporating the limitations of claim 1, from which claim 19 originally depended. In view of the Examiner's indication, it is thus believed that claim 19 is in allowable form.

The remaining claims have been amended in a manner believed to patentably define over the references.

The Anderson et al reference has been discussed previously, such that further discussion of Anderson et al is believed unnecessary.

Claim 1 has been amended to specify first and second spaced rollers that are rotatably mounted to the movable member, which in turn is located within the bale-forming chamber. Claim 1 is amended to define the movable member as being configured such that the rollers engage the bale when the bale is uniform in diameter in the location of the rollers, and to state that the rollers rotate in response to rotation of the bale at a speed of rotation above a predetermined threshold. Claim 1 is further amended to state that the movable member is configured such that the first roller is moved out of engagement with the bale

when the bale is not uniform in diameter in the location of the rollers. In addition, claim 1 is amended to state that movement of the first roller out of engagement with the bale results in the first roller not rotating above the threshold speed of rotation. Further, claim 1 calls for the sensor arrangement to be configured to sense rotation of the rollers above the threshold speed of rotation and to output a signal when the second roller is rotating above the threshold speed of rotation and the first roller is not rotating above the threshold speed of rotation due to movement of the first roller out of engagement with the bale. With this arrangement, the signal output by the sensor arrangement indicates a differential in the diameter of the bale in the vicinity of the rollers.

Anderson et al does not show or suggest the subject matter of amended claim 1. In Anderson et al, the rollers 172 are at all times maintained in contact with the outer surfaces of the belts 48. Such engagement of rollers 172 with belts 48 controls the position of bar 136, which includes switch activating members 198, 210 at its ends. Switches 192, 194 interact with switch activating members 198, 210, respectively, to provide a signal when one side of the bale has a diameter less than that of the other, by moving one end of bar 136 upwardly or downwardly according to the diameter of the bale due to engagement of the rollers 172 with the baler belts 48.

Anderson et al contains no showing or suggestion of an arrangement by which one roller is maintained in engagement with the bale while another roller is moved out of engagement with the bale, as set forth in claim 1, nor a sensor arrangement which outputs a signal when one roller rotates above a threshold speed of rotation and another roller does not rotate above the threshold speed of rotation, also as claimed. Rather, proper operation of the system of Anderson et al requires that the rollers remain in engagement with the bale at all times, which is expressly contrary to the present invention as claimed. Further, the speed of rotation of the rollers 172 of Anderson et al has nothing to do with detecting whether there is a differential in the diameter of the bale from one side to the other. Rather, the sole purpose of the rollers 172 of Anderson et al is to control the position of bar 136, which in turn interacts with switches 192, 194 to provide an indication as to a differential in bale diameter from side to side.

For the above reasons, claim 1 is believed to patentably define over the disclosure of Anderson et al. A review of the remaining references of record similarly fails to show or suggest the claimed subject matter, and accordingly claim 1 is believed allowable.

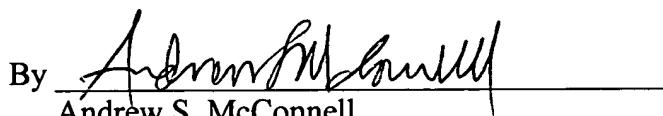
Claims 2-5 depend directly or indirectly from claim 1, and are believed allowable for the above reasons as well as in view of the subject matter of each claim.

Independent claims 6 and 11 have been amended in a manner similar to that of amended claim 1. For the reasons noted with respect to claim 1, it is thus also believed that claims 6 and 11 patentably define over the references, and are allowable. Claims 8-10 depend from claim 6, and claims 12, 13 and 15-18 depend from claim 11. Such dependent claims are also believed to patentably define over the references, for the reasons noted previously as well as in view of the subject matter of each claim.

Applicant's attorney has made every effort to place the application in condition for allowance with claims 1-6, 8-13 and 15-19, and such action is earnestly requested.

The Examiner is encouraged to contact the undersigned by phone if questions remain after consideration of this response, or if such would otherwise facilitate prosecution.

Respectfully submitted,

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